IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.12 OF 2006

Dr.Abul Kalam Abdul Samad Jalal).. Petitioner

Versus

The Sainik Sahakari Bank Ltd. and anr.).. Respondents

Mr.M.S. Kadu for the Petitioner.

CORAM: SMT. NISHITA MHATRE AND ANOOP V. MOHTA, JJ.

DATED: 16TH JANUARY 2006

P.C.:

. This Petition challenges the notice issued by the Bank under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement Interest Act, 2002. It is submitted on behalf of the Petitioner that he has repaid an amount of Rs.17,00,000/- against the amount of Rs.22,11,914/-, which is inclusive of interest, borrowed from the first Respondent Bank. However, there is no document on record to indicate that such repayment has been effected except the deposit slips showing that the Petitioner had deposited by cheques a sum of Rs.5,50,000/- on 28th March 2005 and a similar sum on 21st May 2005. Letter dated 29th October 2005 from the Bank indicates that the two cheques have been dishonoured and hence there is no indication that any amount has been deposited with the Bank against the

aforesaid loan.

2. In our view, the Bank has acted within its rights in issuing notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and, therefore, there is no need to interfere. Writ Petition rejected.